

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 09-0621 WHA

v.

JORGE ARMANDO RODRIGUEZ,

Defendant.

**ORDER FINDING
EXCUSABLE NEGLIGENCE**

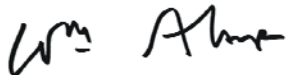
The Court of Appeals for the Ninth Circuit remanded this case “for the limited purpose of permitting the district court to provide appellant notice and an opportunity to request that the time for filing the notice of appeal be extended . . . based on a showing of excusable neglect,” pursuant to Federal Rule of Appellate Procedure 4(b)(4) (Dkt. No. 29). An order requested a response from defendant by September 6; he responded on September 14. His response seems solely to address the delay of his September 14 response, rather than the issue of excusable neglect for the late filing of his notice of appeal. Nevertheless, his reasoning is applicable to both late filings. There appears to be a fair amount of delay in getting court orders to him by mail — as he is incarcerated in Pennsylvania — and a similar amount of delay in the return of his filings. This order accordingly requests that the time for filing defendant’s notice of appeal be extended based on his showing of excusable neglect.

The clerk shall send a copy of this order to the Court of Appeals for the Ninth Circuit,

1 and shall serve this order on defendant at the following address: No. 37507-359, Federal
2 Correctional Institution, P.O. Box 2000, White Deer, Pennsylvania 17887.

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4 **IT IS SO ORDERED.**

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6 Dated: September 17, 2010.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE